



JUL 20 1981

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Keith A. Krauss, Esq.
Connelly, Foley, and Geiser
Suite 1600
Gateway 1
Newark, New Jersey 07102

Re: Combe Fill Corporation
EPA #CWA-II-81-7

Dear Sir:

Reference is made to your letter of June 9, 1981 in which you challenge the authority of the Environmental Protection Agency (EPA) to issue the subject administrative order. Although the purpose of this letter is not to provide rebuttal to your conclusions of facts and law, I do wish to respond to your letter in order to clarify the EPA's position.

As far as EPA is concerned, the administrative order issued on March 19, 1981 is valid and fully effective. Furthermore, although the order required that Combe Fill Corporation immediately acknowledge receipt of the order, we had not received any written acknowledgement of such receipt until your response of June 9, 1981. In addition, the order required that you cease all discharges of pollutants to Trout Brook and submit, within 15 days of receipt of this order, a complete permit application pursuant to Section 404 of the Act, 33 U.S.C. §1344. Within the same period Combe Fill Corporation was required to submit a notice to EPA of its compliance or non-compliance with the terms of the order. Since we did not receive any written notice to either effect Combe Fill Corporation was technically in violation with that provision of the order also.

In your letter you also have requested a hearing on this matter be held in order to vacate the agency's order. Although neither the federal regulations or §309 of the Clean Water Act of 1977, 33 U.S.C. §1319 provide

2ENF/WE: RWEINSTEIN x4859; ar: 7/13/81

CONCURRENCES

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for a formal hearing, we would be willing to meet with you and your client to discuss this case. Perhaps you can arrange with Richard Weinstein (212-264-4859) of my staff for a mutually acceptable date in early August for such a meeting.

Sincerely yours,

Julio Morales-Sanchez
Director
Enforcement Division

cc: Walter M. Smith, Jr.
Lino F. Pereira

bcc: Peter Anderson, SA/MWP
Richard Baker, PAB
George Faison, EN-338